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November 4, 2013

**BY CERTIFIED MAIL**

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1200 Pennsylvania Ave., N.W.  
Washington, DC 20460  
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Re: Clean Water Action Complaint v. Richline Group, Inc., d/b/a Leachgarner, a  
Berkshire Hathaway Company, Case No. 13-12784

Dear Sirs and Madam:

In accordance with Section 505(c)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1365 (c)(3), and 40 CFR 135.4, we are enclosing a conformed copy of a complaint filed by this office on behalf of Clean Water Action against UFP Belchertown, LLC, UFP Northeast, LLC, and Universal Forest Products Eastern Division, Inc. on November 4, 2013.

Sincerely,

KMC

Nora J. Chorover

Enclosure

cc: Kenneth Kimmel, Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108  
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Filed Electronically 11/4/2013

Attorneys for Plaintiff  
CLEAN WATER ACTION

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CLEAN WATER ACTION,

Plaintiff,

v.

RICHLINE GROUP, INC., d/b/a  
LEACHGARNER, a Berkshire  
Hathaway Company,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF AND CIVIL PENALTIES**

(Clean Water Act,  
33 U.S.C. §§ 1251 to 1387)

CLEAN WATER ACTION ("CWA") by and through its counsel, hereby alleges:

**INTRODUCTION**

1. This is a civil suit brought under the citizen suit enforcement provisions of the Clean Water Act, 33 U.S.C. § 1251, et seq. (the "Clean Water Act" or "the Act"). Plaintiff seeks declaratory judgment, injunctive relief, and other relief the Court deems appropriate with regard to actions taken by Richline Group, Inc., d/b/a LeachGarner, a Berkshire Hathaway Company ("Defendant" or "LeachGarner") which resulted in the unlawful discharge of stormwater runoff from the LeachGarner facilities, located at 49 Pearl Street and 200 East Street in Attleboro, Massachusetts (the "Facilities").

2. Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snow melt comes into contact with these materials, it picks up pollutants and transports them to nearby storm sewer systems, rivers, lakes, or coastal waters. Stormwater pollution is a significant source of water quality problems for the nation's waters. The Massachusetts Department of Environmental Protection has determined that stormwater runoff represents the single largest source responsible for water quality impairments in the Commonwealth's rivers, lakes, ponds, and marine waters.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over the parties and the subject matter of this action pursuant to Section 505(a)(1)(A) of the Act, 33 U.S.C. § 1365(a)(1)(A), and 28 U.S.C. § 1331 (an action arising under the laws of the United States).

4. On July 24, 2013, Plaintiff provided notice of Defendant's violations of the Act, and of its intention to file suit against Defendant (the "Notice Letter"), to the Administrator of the United States Environmental Protection Agency ("EPA"); the Administrator of EPA Region I; the Commissioner of the Massachusetts Department of Environmental Protection ("DEP"); and to Defendant, as required by the Act, 33 U.S.C. § 1365(b)(1)(A).

5. More than sixty days have passed since notice was served on Defendant and the state and Federal agencies. Plaintiff is informed and believes, and thereupon alleges, that neither the EPA nor the Commonwealth of Massachusetts has commenced or is diligently prosecuting a court action to redress the violations alleged in this complaint. This action is not barred by any prior administrative penalty under Section 309(g) of the Act, 33 U.S.C. § 1319(g).

6. Venue is proper in the District Court of Massachusetts pursuant to Section 505(c)(1) of the Act, 33 U.S.C. § 1365(c)(1), because the source of the violations is located within this judicial district.

## **PARTIES**

7. Plaintiff CLEAN WATER ACTION (“CWA”) is a nationwide non-profit public benefit corporation organized under the laws of the District of Columbia, with its principal office located in Boston, Massachusetts. CWA has approximately 50,000 members who live, recreate and work in and around waters of the Commonwealth of Massachusetts, including Speedway Brook and Ten Mile River. CWA is dedicated to working for clean, safe and affordable water, protection of natural resources, the prevention of health-threatening pollution, the creation of environmentally safe jobs and businesses, and the empowerment of people to make democracy work. To further these goals, CWA actively seeks Federal and state agency implementation of the Act and other laws and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

8. Members of CWA have a recreational, aesthetic and/or environmental interest in Speedway Brook and Ten Mile River. One or more of such members who reside in the Attleboro area use and enjoy Speedway Brook and Ten Mile River for recreation, sightseeing, wildlife observation and/or other activities in the vicinity of and downstream of Defendant’s discharges. These members use and enjoy the waters into which Defendant has caused, is causing, and will continue to cause, pollutants to be discharged. The interests of CWA’s members have been, are being, and will continue to be adversely affected by Defendant’s failure to comply with the Clean Water Act, as alleged herein. The relief sought herein will redress the harms to Plaintiff caused by Defendant’s activities.

9. Continuing commission of the acts and omissions alleged herein will irreparably harm Plaintiff and the citizens of the Commonwealth of Massachusetts, for which harm they have no plain, speedy, or adequate remedy at law.

10. Defendant Richline Group is a corporation organized under the laws of the State of Delaware with its principal place of business in New York. Defendant owns the Primary Metals Facilities in Attleboro and operates them under the name “LeachGarner, a Berkshire Hathaway Company.”

## STATUTORY BACKGROUND

11. Pollutant Discharges without a Permit are Illegal. The Clean Water Act makes the discharge of pollution into waters of the United States unlawful unless the discharge is in compliance with certain statutory requirements, including the requirement that the discharge be permitted by the Federal Environmental Protection Agency (“EPA”) under the National Pollutant Discharge Elimination System (“NPDES”). Sections 301(a), 402(a) and 402(p) of the Act. 33 U.S.C. §§ 1311(a), 1342(a), 1342(p).
12. EPA Has Made Stormwater Discharges from Primary Metals Facilities Subject to the Requirements of EPA’s General Industrial Stormwater Permit. In order to minimize polluted stormwater discharges from industrial facilities, the Federal Environmental Protection Agency has issued a general industrial stormwater permit (“Stormwater Permit”). EPA’s Stormwater Permit was first issued in 1995, and was reissued in 2000 and 2008. See 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008). Primary metals facilities are subject to the requirements of this Stormwater Permit. Stormwater Permit, Appendix D, pg. 58-59.
13. Primary Metals Facilities Must Comply with the Monitoring and Reporting Requirements of the Stormwater Permit. The Stormwater Permit requires these facilities to, among other things:
  - a. ensure that stormwater discharges do not cause or have the reasonable potential to cause or contribute to a violation of water quality standards, Stormwater Permit, pg. 16;
  - b. conduct monitoring of stormwater discharges at all Facility outfalls in each of the first four full quarters of permit coverage for compliance with benchmark limitations applicable specifically to primary metals facilities, Stormwater Permit, pp. 36, 58-59;
  - c. report all monitoring results for all Facility outfalls to EPA by specified deadlines, Stormwater Permit, pg. 41;
  - d. conduct corrective action after the average of 4 quarterly samples exceeds the EPA benchmark value, Stormwater Permit, pp. 18, 36;

- e. conduct routine facility inspections at least quarterly, quarterly visual assessments, and annual comprehensive inspections to, among other things, sample and assess the water quality of the facility's stormwater discharges, ensure that stormwater control measures required by the Permit are functioning correctly and are adequate to minimize pollutant discharge, and timely perform corrective actions when they are not, Stormwater Permit, pp. 18-25;
  - f. timely prepare and submit to EPA annual reports that include findings from the annual comprehensive site inspections and documentation of corrective actions, Stormwater Permit, pp. 24, 41; and
  - g. comply with any additional state requirements, *see* Stormwater Permit, pp. 140-141.
14. Citizens may bring an action to enforce these requirements. Section 505(a)(1) and Section 505(f) of the Act provide for citizen enforcement actions against any "person," including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), § 1362(5). An action for injunctive relief under the Act is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500 per day, pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365 and 40 C.F.R. §§ 19.1 - 19.4.

#### STATEMENT OF FACTS

- 15. Defendant owns and operates facilities at 49 Pearl Street and 200 East Street in Attleboro.
- 16. Operations at the 49 Pearl Street Facility include the fabrication of metal products such as jewelry and jewelry components and fabrication of metal coatings and engravings.
- 17. Operations at the 200 East Street Facility include the rolling and drawing of nonferrous metals.
- 18. During every rain event, rainwater flowing over the Facilities becomes contaminated with pollutants.

19. Stormwater is discharged from the Facilities into the City of Attleboro's municipal storm drain system, which discharges to Speedway Brook, a tributary of Ten Mile River.
20. Control measures taken at the 200 East Street Facility are inadequate to prevent stormwater discharges from exceeding the Permit's benchmark standards for Total Copper and Total Zinc.
21. Control measures taken at the 49 Pearl Street Facility are inadequate to prevent stormwater discharges from exceeding the Permit's benchmark standards for Total Aluminum, Total Iron, Total Zinc, and Nitrate plus Nitrite Nitrogen.
22. Metals such as copper, zinc, aluminum, and iron at excessive concentrations are toxic to fish, aquatic plants, and other aquatic life.
23. Chronic effects of copper include damage to gills, liver, kidneys, and the nervous system of aquatic species. Copper can also interfere with sense of smell, preventing fish from choosing good mates or locating safe mating areas.
24. Elevated concentrations of zinc in water are particularly toxic to species of algae, crustaceans, salmonoids, and other macroinvertebrates.
25. Aluminum can also be highly toxic to aquatic plant species.
26. Dissolved iron is bioavailable and can be toxic to fish and other aquatic life. Iron in the form of solid particulate can settle on the bottom of water bodies and destroy bottom-dwelling invertebrates, plants, or incubating fish eggs. Iron can also cause aesthetically objectionable conditions in water bodies by making the water appear rust colored.
27. Concentrations of these metals can affect the reproductive systems of aquatic life, resulting in severe population declines. Such toxic metals, because of their long biological half-lives, bioaccumulate in organisms over time. They may also be hazardous to human life if they enter the water supply.

**FIRST CAUSE OF ACTION**

**Failure to Reduce and/or Eliminate Pollutants to the Extent Achievable:  
Violations of 33 U.S.C. § 1311(a)**

28. Plaintiff re-alleges and incorporates Paragraphs 1-27, inclusive, as if fully set forth herein.

29. Since at the latest January 7, 2009, control measures implemented at the Facilities have been inadequate to reduce and/or eliminate stormwater pollutants to the extent achievable, using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. Stormwater Permit, section 2.0 (pg. 12).

30. Since at the latest June 26, 2010, benchmark monitoring showed that control measures implemented at the Facilities were not "achieving their intended effect of minimizing pollutant discharges" triggering the Permit's requirement for corrective action. General Permit, sections 2.1, 3.2. However, adequate corrective action was never taken. To the extent corrective action was taken at the Facilities following the triggering of this event, such corrective action was inadequate, as evidenced by the persistent exceedence of the benchmarks.

31. As shown on a Table attached hereto as Exhibit A, LeachGarner's stormwater discharges have been well above EPA benchmark levels since June 26, 2010. The presence and persistence of these exceedences shows that the company has not complied with its requirement to "modify" its control measures "as expeditiously as practicable" to minimize its pollutant discharges to the extent achievable.

32. Each of Defendant's violations of the reduction and/or elimination requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the violation occurred and/or continued, as set forth on Exhibits B and C hereto. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the Facility and on which the failure to reduce and/or eliminate pollutants occurred and/or continued. To the extent it is determined that rain dates

are relevant in determining the dates of violations, such dates through October 31, 2013 are set forth on Exhibit D.

## **SECOND CAUSE OF ACTION**

### **Failure to Comply with the Monitoring Requirements of the Stormwater Permit: Violations of 33 U.S.C. § 1311(a)**

33. Plaintiff re-alleges and incorporates Paragraphs 1-32, inclusive, as if fully set forth herein.

34. Defendant has failed to comply with the Stormwater Permit's requirement for monitoring of its stormwater discharges. Monitoring for compliance with the benchmark limitations was not conducted at either Facility during the following quarters: April-June 2010, July-September 2010, October-December 2010, January-March 2011, April-June 2011, July-September 2011, October-December 2011, January-March 2012, April-June 2012, July-September 2012, October-December 2012, January-March 2013, and April-June 2013. [Stormwater Permit, pg. 36, section 6.2.1.2.]

35. These violations, which are set forth on Exhibit B and C hereto, establish an ongoing pattern of failure to comply with the Stormwater Permit's monitoring requirements.

36. Each of Defendant's violations of the monitoring requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the failure to monitor occurred and/or continued. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the Facility and on which the violation occurred and/or continued. To the extent it is determined that rain dates are relevant in determining the dates of violations, such dates through October 31 are set forth on Exhibit D.

## **THIRD CAUSE OF ACTION**

### **Failure to Comply with the Reporting Requirements of the Stormwater Permit: Violations of 33 U.S.C. § 1311(a)**

37. Plaintiff re-alleges and incorporates Paragraphs 1-38 inclusive, as if fully set forth herein.

38. Defendant has failed to comply with the Stormwater Permit's requirement for reporting benchmark monitoring results to EPA. Defendant has failed to report to EPA results of benchmark

monitoring it has conducted, if any, within 30 days of receipt of monitoring results, as required by the Stormwater Permit. Stormwater Permit, [7.1] Defendant's violations of the Stormwater Permit's reporting requirements are separate and distinct from violations of the Stormwater Permit's monitoring requirements.

39. These violations, which are set forth on Exhibit B and C hereto, establish an ongoing and continuing pattern of failure to comply with the Stormwater Permit's reporting requirements.

40. Each of Defendant's violations of the benchmark monitoring reporting requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the failure to report occurred and/or continued. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the Facility and on which the violation occurred and/or continued. To the extent it is determined that rain dates are relevant in determining the dates of violations, such dates through October 31, 2013 are set forth on Exhibit D.

### **RELIEF REQUESTED**

Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

1. Declare Defendant to have violated and to be in violation of the Act as alleged herein;
2. Enjoin Defendant from discharging pollutants from the Facility into the wetlands and surface waters surrounding and downstream from the Facility;
3. Require Defendant to implement the requirements of the Stormwater Permit;
4. Order Defendant to pay civil penalties of up to \$37,500 per day of violation, pursuant to Sections 309(d) and 505(a) of the Act, 33 U.S.C. §§ 1319(d), 1365(a) and 74 Fed. Reg. 626, 627 (2009);
5. Order Defendant to take appropriate actions to restore the quality of navigable waters impaired by their activities;
6. Award Plaintiff's costs (including reasonable investigative, attorney, witness, and consultant fees) as authorized by the Act, 33 U.S.C. § 1365(d); and

7. Award any such other and further relief as this Court may deem appropriate.

Dated: 11/4/2013

Respectfully submitted,

/s/Nora J. Chorover

NORA J. CHOROVER (Bar No. 547352)

Stern, Shapiro, Weissberg & Garin, LLP

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Boston, MA 02114

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Attorneys for Plaintiff

CLEAN WATER ACTION

**CLEAN WATER ACTION'S CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and Massachusetts District Court

Local Rule 7.3, Plaintiff Clean Water Action states that it does not have a parent corporation and no publicly held company owns 10% or more of its stock.

**EXHIBIT A**

**TABLE OF MONITORING RESULTS**

**EAST STREET:**

**OUTFALL SL-1:**

Monitoring Date	Zinc (Benchmark .04 mg/L)	Copper <sup>1</sup>
6/26/09	.07	.02 (Benchmark: .0038 mg/L)
9/27/09	.11	.02 (Benchmark: .0038 mg/L)
12/9/09	.11	.02 (Benchmark: .0038 mg/L)
3/26/10	.23	.04 (Benchmark: .0038 mg/L)
April-June 2010	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported
October-December 2010	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported
October-December 2011	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported
October-December 2012	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported
8/9/13	.05	.02 (Benchmark: .0156 mg/L)

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<sup>1</sup> Water Hardness was 10.0 mg/L on Discharge Monitoring Reports from 2009 and 2010, making the Copper benchmark .0038 mg/L. Water Hardness was 114.0 mg/L on the Discharge Monitoring Report from 2013, making the Copper benchmark .0156 mg/L.

**OUTFALL SL-2:**

Monitoring Date	Zinc (Benchmark .04 mg/L)	Copper <sup>2</sup>
6/26/09	.1	.04 (Benchmark: .0038 mg/L)
9/27/09	.21	2.00 (Benchmark: .0038 mg/L)
12/9/09	.22	.04 (Benchmark: .0038 mg/L)
3/26/10	.08	.02 (Benchmark: .0038 mg/L)
April-June 2010	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported
October-December 2010	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported
October-December 2011	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported
October-December 2012	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported
8/9/13	.09	.02 (Benchmark: .0156 mg/L)

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<sup>2</sup> See footnote 1, above.

**OUTFALL SL-3:**

Monitoring Date	Zinc (Benchmark .04 mg/L)	Copper <sup>3</sup>
6/26/09	.11	.02 (Benchmark: .0038 mg/L)
9/27/09	.21	.03 (Benchmark: .0038 mg/L)
12/9/09	.08	.02 (Benchmark: .0038 mg/L)
3/26/10	.34	.03 (Benchmark: .0038 mg/L)
April-June 2010	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported
October-December 2010	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported
October-December 2011	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported
October-December 2012	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported
8/9/13	.09	.02 (Benchmark: .0156 mg/L)

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<sup>3</sup> See footnote 1, above.

**PEARL STREET:****OUTFALL SL-1:**

Monitoring Date	Aluminum (Benchmark: .75 mg/L)	Iron (Benchmark: 1.0 mg/L)	Zinc <sup>4</sup>	Nitrate + Nitrite Nitrogen (Benchmark: .68 mg/L)
6/26/09	58.3	6.27; 65.40	2.42 (Benchmark: .04 mg/L)	1.4
9/27/09	.8	1.87	1.08 (Benchmark: .04 mg/L)	1.00
12/9/09	2.55	2.9	.35 (Benchmark: .04 mg/L)	.21
3/26/10	.8	1.04	.07 (Benchmark: .04 mg/L)	4.00
April-June 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October- December 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October- December 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October- December 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
8/9/13	2.41	1.93	.4 (Benchmark: .13 mg/L)	.64

<sup>4</sup> Water Hardness was 9.9 mg/L on Discharge Monitoring Reports from 2009 and 2010, making the Zinc benchmark .04 mg/L. Water Hardness was 114.0 mg/L on the Discharge Monitoring Report from 2013, making the Zinc benchmark .13 mg/L.

**OUTFALL SL-2:**

Monitoring Date	<b>Aluminum</b> (Benchmark: .75 mg/L)	<b>Iron</b> (Benchmark: 1.0 mg/L)	<b>Zinc<sup>5</sup></b>	<b>Nitrate + Nitrite Nitrogen</b> (Benchmark: .68 mg/L)
6/26/09	10.5	6.27	.29 (Benchmark: .04 mg/L)	1.8
9/27/09	.3	.46	.30 (Benchmark: .04 mg/L)	.71
12/9/09	3.12	4.65	.74 (Benchmark: .04 mg/L)	.29
3/26/10	.8	1.05	.91 (Benchmark: .04 mg/L)	3.80
April-June 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
8/9/13	.93	1.89	.96 (Benchmark: .13 mg/L)	.87

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<sup>5</sup> See footnote 4, above.

**OUTFALL SL-3:**

Monitoring Date	<b>Aluminum</b> (Benchmark: .75 mg/L)	<b>Iron</b> (Benchmark: 1.0 mg/L)	<b>Zinc<sup>6</sup></b>	<b>Nitrate + Nitrite Nitrogen</b> (Benchmark: .68 mg/L)
6/26/09	.2	.2	.81 (Benchmark: .04 mg/L)	1.6
9/27/09	.7	1.12	.34 (Benchmark: .04 mg/L)	1.2
12/9/09	.42	.49	.48 (Benchmark: .04 mg/L)	.3
3/26/10	.2	.19	.2 (Benchmark: .04 mg/L)	1.8
April-June 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
8/9/13	.11	.09	.24 (Benchmark: .13 mg/L)	1.49

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<sup>6</sup> See footnote 4, above.

**OUTFALL SL-4:**

Monitoring Date	<b>Aluminum</b> (Benchmark: .75 mg/L)	<b>Iron</b> (Benchmark: 1.0 mg/L)	<b>Zinc<sup>7</sup></b>	<b>Nitrate + Nitrite Nitrogen</b> (Benchmark: .68 mg/L)
6/26/09	.2	.26	.62 (Benchmark: .04 mg/L)	1.4
9/27/09	1.9	3.14	.52 (Benchmark: .04 mg/L)	1.6
12/9/09	.39	.46	.59 (Benchmark: .04 mg/L)	.3
3/26/10	.9	1.1	.06 (Benchmark: .04 mg/L)	4.7
April-June 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2010	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2011	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
July-September 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
October-December 2012	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
January-March 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
April-June 2013	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
8/9/13	.09	.09	.09 (Benchmark: .13 mg/L)	.86

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<sup>7</sup> See footnote 4, above.

**EXHIBIT B**  
**LEACHGARNER VIOLATIONS – PEARL STREET**

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	April-June 2010	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	April-June 2010	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2010	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	April-June 2010	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	July-September 2010	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	July-September 2010	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	July-September 2010	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	July-September 2010	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	October-December 2010	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	October-December 2010	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	October-December 2010	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	October-December 2010	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	January-March 2011	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	January-March 2011	March 31, 2011	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	January-March 2011	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	January-March 2011	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	April-June 2011	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	April-June 2011	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2011	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	April-June 2011	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	July-September 2011	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	July-September 2011	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	July-September 2011	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	July-September 2011	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	October-December 2011	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	October-December 2011	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	October-December 2011	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	October-December 2011	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	January-March 2012	March 31, 2012	The present

<b>Facility</b>	<b>Outfalls</b>	<b>Type of Violation</b>	<b>Parameter</b>	<b>Relevant Quarter</b>	<b>Beginning Date of Violation</b>	<b>Earliest End Date of Violation</b>
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	January-March 2012	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	January-March 2012	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	January-March 2012	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	April-June 2012	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	April-June 2012	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2012	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	April-June 2012	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	July-September 2012	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	July-September 2012	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	July-September 2012	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	July-September 2012	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	October-December 2012	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	October-December 2012	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	October-December 2012	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	October-December 2012	December 31, 2012	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	January-March 2013	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	January-March 2013	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	January-March 2013	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	January-March 2013	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	April-June 2013	June 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	April-June 2013	June 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2013	June 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	April-June 2013	June 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April-June 2009	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April-June 2009	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2009	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April-June 2009	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July-September 2009	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July-September 2009	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2009	October 31, 2009	March 7, 2011

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July-September 2009	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October-December 2009	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October-December 2009	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2009	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October-December 2009	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January-March 2010	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January-March 2010	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2010	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January-March 2010	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April-June 2010	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April-June 2010	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2010	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April-June 2010	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July-September 2010	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July-September 2010	October 31, 2010	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2010	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July-September 2010	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October-December 2010	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October-December 2010	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2010	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October-December 2010	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January-March 2011	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January-March 2011	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2011	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January-March 2011	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April-June 2011	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April-June 2011	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2011	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April-June 2011	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July-September 2011	October 31, 2011	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July-September 2011	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2011	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July-September 2011	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October-December 2011	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October-December 2011	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2011	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October-December 2011	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January-March 2012	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January-March 2012	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2012	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January-March 2012	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April-June 2012	July 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April-June 2012	July 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2012	July 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April-June 2012	July 31, 2012	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July-September 2012	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July-September 2012	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2012	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July-September 2012	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October-December 2012	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October-December 2012	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2012	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October-December 2012	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January-March 2013	April 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January-March 2013	April 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2013	April 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January-March 2013	April 30, 2013	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	All quarters from October 2008 to September 2009	September 29, 2009	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	All quarters from October 2008 to September 2009	November 13, 2009	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	All quarters from October 2009 to September 2010	September 29, 2010	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	All quarters from October 2009 to September 2010	November 13, 2010	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	All quarters from October 2010 to September 2011	September 29, 2011	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	All quarters from October 2010 to September 2011	November 13, 2011	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	All quarters from October 2011 to September 2012	September 29, 2012	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	All quarters from October 2011 to September 2012	November 13, 2012	The present
40 Pearl Street		Failure to Implement Adequate Control Measures	All	Every quarter since beginning date of violation	January 7, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Aluminum	Every quarter since beginning date of violation	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Iron	Every quarter since beginning date of violation	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Zinc	Every quarter since beginning date of violation	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Nitrate + Nitrite Nitrogen	Every quarter since beginning date of violation	March 26, 2010	The present

**EXHIBIT C**  
**LEACHGARNER VIOLATIONS – EAST STREET**

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	April-June 2010	June 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2010	June 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	July-September 2010	September 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	July-September 2010	September 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	October-December 2010	December 31, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	October-December 2010	December 31, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	January-March 2011	March 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	January-March 2011	March 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	April-June 2011	June 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2011	June 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	July-September 2011	September 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	July-September 2011	September 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	October-December 2011	December 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	October-December 2011	December 31, 2011	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	January-March 2012	March 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	January-March 2012	March 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	April-June 2012	June 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	April-June 2012	June 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	July-September 2012	September 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	July-September 2012	September 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	October-December 2012	December 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	October-December 2012	December 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	January-March 2013	March 31, 2013	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	January-March 2013	March 31, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April-June 2009	July 31, 2009	October 6, 2009
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2009	July 31, 2009	October 6, 2009
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July-September 2009	October 31, 2009	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2009	October 31, 2009	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October-December 2009	January 31, 2010	March 7, 2011

<b>Facility</b>	<b>Outfalls</b>	<b>Type of Violation</b>	<b>Parameter</b>	<b>Relevant Quarter</b>	<b>Beginning Date of Violation</b>	<b>Earliest End Date of Violation</b>
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2009	January 31, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January-March 2010	April 30, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2010	April 30, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April-June 2010	July 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2010	July 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July-September 2010	October 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2010	October 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October-December 2010	January 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2010	January 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January-March 2011	April 30, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2011	April 30, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April-June 2011	July 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2011	July 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July-September 2011	October 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2011	October 31, 2011	The present

<b>Facility</b>	<b>Outfalls</b>	<b>Type of Violation</b>	<b>Parameter</b>	<b>Relevant Quarter</b>	<b>Beginning Date of Violation</b>	<b>Earliest End Date of Violation</b>
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October-December 2011	January 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2011	January 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January-March 2012	April 30, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2012	April 30, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April-June 2012	July 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April-June 2012	July 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July-September 2012	October 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July-September 2012	October 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October-December 2012	January 31, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October-December 2012	January 31, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January-March 2013	April 30, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January-March 2013	April 30, 2013	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	All quarters from October 2008 to September 2009	September 29, 2009	The present
200 East Street		Failure to Submit Annual Report	N/A	All quarters from October 2008 to September 2009	November 13, 2009	The present

Facility	Outfalls	Type of Violation	Parameter	Relevant Quarter	Beginning Date of Violation	Earliest End Date of Violation
200 East Street		Failure to Conduct and Document Required Inspections	N/A	All quarters from October 2009 to September 2010	September 29, 2010	The present
200 East Street		Failure to Submit Annual Report	N/A	All quarters from October 2009 to September 2010	November 13, 2010	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	All quarters from October 2010 to September 2011	September 29, 2011	The present
200 East Street		Failure to Submit Annual Report	N/A	All quarters from October 2010 to September 2011	November 13, 2011	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	All quarters from October 2011 to September 2012	September 29, 2012	The present
200 East Street		Failure to Submit Annual Report	N/A	All quarters from October 2011 to September 2012	November 13, 2012	The present
40 Pearl Street		Failure to Implement Adequate Control Measures	All	Every quarter since beginning date of violation	January 7, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Copper	Every quarter since beginning date of violation	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Zinc	Every quarter since beginning date of violation	September 27, 2009	The present

**EXHIBIT D**

DAYS BETWEEN  
JANUARY 7, 2009 AND OCTOBER 31, 2013  
ON WHICH STORMWATER FROM FACILITY  
DISCHARGED TO WATERS OF THE UNITED STATES

January 2009:	7, 8, 11, 18, 19, 29
February 2009:	1, 12, 19, 23, 28
March 2009:	2, 9, 10, 27, 30, 31
April 2009:	2, 4, 7, 11, 12, 21, 22, 23
May 2009:	6, 7, 8, 10, 15, 17, 27, 30
June 2009:	4, 6, 10, 12, 14, 15, 19, 20, 22, 23, 24, 29
July 2009:	1, 2, 3, 8, 9, 12, 18, 21, 22, 24, 25, 31
August 2009:	1, 6, 14, 29, 30
September 2009:	12, 13, 27, 28, 29
October 2009:	3, 4, 8, 10, 16, 19, 25, 28, 29
November 2009:	1, 14, 15, 20, 21, 24, 27, 28
December 2009:	1, 3, 4, 6, 9, 10, 14, 20, 21, 27, 28
January 2010:	1, 3, 18, 20, 26
February 2010:	11, 17, 24, 25, 26
March 2010:	1, 4, 14, 15, 16, 23, 24, 26, 29, 30, 31
April 2010:	10, 17, 23, 27
May 2010:	3, 5, 8, 9, 19, 27, 30
June 2010:	2, 4, 5, 10, 13, 21, 23, 29
July 2010:	10, 11, 14, 15, 20, 24, 25
August 2010:	6, 10, 16, 23, 24, 25, 26
September 2010:	4, 17, 27, 29
October 2010:	2, 4, 5, 6, 7, 15, 16, 28
November 2010:	5, 8, 9, 17, 18
December 2010:	2, 13, 27
January 2011:	12, 13, 19, 21, 22, 27
February 2011:	2, 3, 6, 8, 9, 25, 26, 27
March 2011:	1, 7, 12, 17, 22
April 2011:	1, 6, 13, 14, 17, 24, 28, 29
May 2011:	5, 15, 16, 17, 18, 19, 20, 24
June 2011:	10, 12, 13, 18, 23, 24, 26
July 2011:	9, 14, 26, 27
August 2011:	3, 7, 8, 10, 11, 15, 16, 22, 26, 28, 29
September 2011:	6, 7, 8, 9, 16, 23, 24, 29, 30
October 2011:	1, 4, 5, 13, 14, 15, 20, 28, 30
November 2011:	11, 17, 18, 23, 24, 30
December 2011:	7, 8, 22, 23, 28
January 2012:	12, 13, 17, 20, 22, 24, 27, 28

February 2012:	11, 12, 25
March 2012:	1, 2, 3, 29
April 2012:	1, 2, 23, 24
May 2012:	2, 9, 10, 16, 17, 23
June 2012:	2, 3, 5, 8, 13, 14, 23, 26, 30
July 2012:	3, 24, 29
August 2012:	1, 16, 19
September 2012:	6, 9, 19, 23, 29
October 2012:	1, 3, 11, 16, 20, 29, 30, 31
November 2012:	8, 14, 28
December 2012:	8, 9, 10, 11, 17, 18, 19, 22, 27, 28, 30
January 2013:	16, 17, 29, 31
February 2013:	1, 24, 25, 27, 28
March 2013:	7, 8, 9, 13
April 2013:	1, 2, 10, 11, 13, 20, 21
May 2013:	9, 10, 20, 22, 24, 25, 26, 29, 30,
June 2013:	4, 7, 8, 11, 12, 14, 15, 19, 28, 29
July 2013:	12, 14, 24, 26, 27
August 2013:	2, 5, 10, 27, 28
September 2013:	13, 14, 22
October 2013:	5, 7